

LAW OFFICES OF XIAN FENG ZOU

By: William X. Zou, Esq.

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Attorney for Defendants

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

-----X

Case No.: 18-cv-03299

Wen Lei Li and Yingjie Yin, individually and on  
behalf of all other employees similarly situated,

Plaintiffs,

-against-

**ANSWER TO COLLECTIVE &  
CLASS ACTION COMPLAINT**

SLR Food Distribution, Inc., Angela "Doe"  
(Last Name Unknown, and John Doe)

**Jury Trial Demanded**

Defendants,

-----X

Defendants herein, SLR Food Distribution, Inc., Angela "Doe" (Last Name Unknown, and John Doe) by their attorneys, the Law Offices of Xian Feng Zou, as their Answer to the Collective & Class Action Complaint, respectfully answer as follows:

1. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 1 of the Complaint;
2. Deny each and every allegation contained in paragraph 2 of the Complaint;
3. Deny each and every allegation contained in paragraph 3 of the Complaint;
4. Deny each and every allegation contained in paragraph 4 of the Complaint;
5. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 5 of the Complaint;

6. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 6 of the Complaint;
7. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 7 of the Complaint;
8. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 8 of the Complaint;
9. Deny each and every allegation contained in paragraph 9 of the Complaint, except admitting that SLR Food Distribution, Inc. located at 100 Nassau Terminal Road, New Hyde Park, NY 11040;
10. Deny each and every allegation contained in paragraph 10 of the Complaint;
11. Deny each and every allegation contained in paragraph 11 of the Complaint;
12. Deny each and every allegation contained in paragraph 12 of the Complaint;
13. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 13 of the Complaint;
14. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 14 of the Complaint;
15. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 15 of the Complaint;
16. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 16 of the Complaint;
17. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 17 of the Complaint;

18. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 18 of the Complaint;
19. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 19 of the Complaint;
20. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 20 of the Complaint;
21. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 21 of the Complaint;
22. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 22 of the Complaint;
23. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 23 of the Complaint;
24. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 24 of the Complaint;
25. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 25 of the Complaint;
26. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 26 of the Complaint;
27. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 27 of the Complaint;
28. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 28 of the Complaint;
29. Deny each and every allegation contained in paragraph 29 of the Complaint;

30. Deny each and every allegation contained in paragraph 30 of the Complaint;
31. Deny each and every allegation contained in paragraph 31 of the Complaint;
32. Deny each and every allegation contained in paragraph 32 of the Complaint;
33. Deny each and every allegation contained in paragraph 33 of the Complaint;
34. Deny each and every allegation contained in paragraph 34 of the Complaint;
35. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 35 of the Complaint;
36. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 36 of the Complaint;
37. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 37 of the Complaint;
38. Deny each and every allegation contained in paragraph 38 of the Complaint;
39. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 39 of the Complaint;
40. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 40 of the Complaint;
41. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 41 of the Complaint;
42. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 42 of the Complaint;
43. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 43 of the Complaint;



44. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 44 of the Complaint;
45. Deny each and every allegation contained in paragraph 45 of the Complaint;
46. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 46 of the Complaint;
47. Deny knowledge or information sufficient to form a belief as the truth of the allegations set forth in paragraph 47 of the Complaint;
48. Deny each and every allegation contained in paragraph 48 of the Complaint;
49. Deny each and every allegation contained in paragraph 49 of the Complaint;
50. Deny each and every allegation contained in paragraph 50 of the Complaint;
51. Deny each and every allegation contained in paragraph 51 of the Complaint;
52. Deny each and every allegation contained in paragraph 52 of the Complaint;
53. Deny each and every allegation contained in paragraph 53 of the Complaint;
54. Deny each and every allegation contained in paragraph 54 of the Complaint;
55. Deny each and every allegation contained in paragraph 55 of the Complaint;
56. Deny each and every allegation contained in paragraph 56 of the Complaint;
57. Deny each and every allegation contained in paragraph 57 of the Complaint;
58. Deny each and every allegation contained in paragraph 58 of the Complaint;
59. Deny each and every allegation contained in paragraph 59 of the Complaint;
60. Deny each and every allegation contained in paragraph 60 of the Complaint;
61. Deny each and every allegation contained in paragraph 61 of the Complaint;
62. Deny each and every allegation contained in paragraph 62 of the Complaint;
63. Deny each and every allegation contained in paragraph 63 of the Complaint;

64. Deny each and every allegation contained in paragraph 64 of the Complaint;
65. Deny each and every allegation contained in paragraph 65 of the Complaint.
66. Deny each and every allegation contained in paragraph 66 of the Complaint;
67. Deny each and every allegation contained in paragraph 67 of the Complaint;
68. Deny each and every allegation contained in paragraph 68 of the Complaint;
69. Deny each and every allegation contained in paragraph 69 of the Complaint;
70. Deny each and every allegation contained in paragraph 70 of the Complaint;
71. Deny each and every allegation contained in paragraph 71 of the Complaint;
72. Deny each and every allegation contained in paragraph 72 of the Complaint;
73. Deny each and every allegation contained in paragraph 73 of the Complaint
74. Deny each and every allegation contained in paragraph 74 of the Complaint;
75. Deny each and every allegation contained in paragraph 75 of the Complaint;
76. Deny each and every allegation contained in paragraph 76 of the Complaint, except referring to the statutes;
77. Deny each and every allegation contained in paragraph 77 of the Complaint;
78. Deny each and every allegation contained in paragraph 78 of the Complaint;
79. Deny each and every allegation contained in paragraph 79 of the Complaint, except referring to the statute;
80. Deny each and every allegation contained in paragraph 80 of the Complaint;
81. Deny each and every allegation contained in paragraph 81 of the Complaint, except referring to the statute;
82. Deny each and every allegation contained in paragraph 82 of the Complaint;
83. Deny each and every allegation contained in paragraph 83 of the Complaint;

84. Deny each and every allegation contained in paragraph 84 of the Complaint
85. Deny each and every allegation contained in paragraph 85 of the Complaint;
86. Deny each and every allegation contained in paragraph 86 of the Complaint;
87. Deny each and every allegation contained in paragraph 87 of the Complaint;
88. Deny each and every allegation contained in paragraph 88 of the Complaint
89. Deny each and every allegation contained in paragraph 89 of the Complaint;
90. Deny each and every allegation contained in paragraph 90 of the Complaint;
91. Deny each and every allegation contained in paragraph 91 of the Complaint
92. Deny each and every allegation contained in paragraph 92 of the Complaint;
93. Deny each and every allegation contained in paragraph 93 of the Complaint;
94. Deny each and every allegation contained in paragraph 94 of the Complaint;
95. Deny each and every allegation contained in paragraph 95 of the Complaint;
96. Deny each and every allegation contained in paragraph 96 of the Complaint;
97. Deny each and every allegation contained in paragraph 97 of the Complaint;
98. Deny each and every allegation contained in paragraph 98 of the Complaint;
99. Deny each and every allegation contained in paragraph 99 of the Complaint;
100. Deny each and every allegation contained in paragraph 100 of the Complaint;
101. Deny each and every allegation contained in paragraph 101 of the Complaint;
102. Deny each and every allegation contained in paragraph 102 of the Complaint;
103. Deny each and every allegation contained in paragraph 103 of the Complaint;
104. Deny each and every allegation contained in paragraph 104 of the Complaint;
105. Deny each and every allegation contained in paragraph 105 of the Complaint;
106. Deny each and every allegation contained in paragraph 106 of the Complaint;

- 107. Deny each and every allegation contained in paragraph 107 of the Complaint.
- 108. Deny each and every allegation contained in paragraph 108 of the Complaint.
- 109. Deny each and every allegation contained in paragraph 109 of the Complaint.
- 110. Deny each and every allegation contained in paragraph 110 of the Complaint.
- 111. Deny each and every allegation contained in paragraph 91 of the Complaint.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

- 112. Plaintiffs have failed to state a cause of action on which relief can be granted against answering Defendants.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

- 113. The answering Defendants have not violated any section of the FLSA.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

- 114. The answering Defendants have not violated any section of the New York Labor Law.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

- 115. The answering Defendants have acted in good faith and upon reasonable grounds, and any alleged violation of the FLSA or New York Labor Law was not willful.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

- 116. The Complaint is barred by the applicable statutes of limitations.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

- 117. Any work performed by the Plaintiff, if any, for which he or she was not paid was *de minimis*, and therefore not compensable.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

- 118. Plaintiff has waived any claims for additional compensation.

**AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE**



119. The answering Defendants were not employers as that term is defined in the FLSA and /or the New York Labor Law.

**AS AND FOR A NINTH AFFIRMATIVE DEFENSE**

120. Plaintiffs were not employees as that term is defined in the FLSA and/or New York Labor Law.

**AS AND FOR A TENTH AFFIRMATIVE DEFENSE**

121. There has been an accord and satisfaction between the Plaintiff and the answering Defendants.

**AS AND FOR A ELEVENTH AFFIRMATIVE DEFENSE**

122. Plaintiff's claims are barred in whole or in part by the doctrine of laches, estoppel, delay, acquiescence, unclean hands, bad faith and/or waiver.

**AS AND FOR A TWELFTH AFFIRMATIVE DEFENSE**

123. Plaintiffs failed to obtain personal jurisdiction over the answering Defendants.

**AS AND FOR A THIRTEENTH AFFIRMATIVE DEFENSE**

124. Plaintiffs were paid properly according to the FLSA, NYLL and other relevant statutes.

**AS AND FOR A FOURTEENTH AFFIRMATIVE DEFENSE**

125. The Fair Labor Standards Act does not apply to the Defendants, because the annual gross revenue does not exceed \$500,000 or the Defendants do not engage in interstate commerce or the Plaintiffs do not engage in interstate commerce or produce goods for commerce/

**AS AND FOR A FIFTEENTH AFFIRMATIVE DEFENSE**

126. Plaintiffs lack standing and capacity to commence and/or maintain this action.

**AS AND FOR A SIXTEENTH AFFIRMATIVE DEFENSE**

127. Answering Defendants Angela "Doe" and "John Doe" were not employers as defined by FLSA and/or New York Labor Law, therefore, they are not liable to the Plaintiffs.

**AS AND FOR A SEVENTEENTH AFFIRMATIVE DEFENSE**

128. Answering Defendants reserve the right to amend their answers, to add additional or other separate defenses, and to add other claims as they may become necessary and available as further investigation and developments warrant.

**DEMAND FOR ATTORNEY'S FEES AND COSTS**

129. Answering Defendants demand reasonable attorney's fees and costs for this action based upon applicable statutory provisions.

WHEREFORE, Answering Defendants respectfully request that Plaintiffs' Complaint be dismissed in its entirety and that the answering Defendants be awarded reasonable legal fees and costs and such further and other relief that this Court may deem just and proper.

Dated: Queens, New York  
August 10, 2018

Respectfully submitted,

*/s/ William X. Zou*

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LAW OFFICES OF XIAN FENG ZOU

By: William X. Zou, Esq. (XZ5458)

Attorney for Defendants

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**CERTIFICATE OF SERVICE BY MAIL**

I HEREBY CERTIFY THAT a copy of the foregoing has been furnished through the Court's electronic filing system to

Ge Qu, Esq.  
Hang & Associates, PLLC  
136-20 38<sup>th</sup> Ave., Suite 10G  
Flushing, NY 11354  
(718)353-8588

Dated: Queens, New York  
August 10, 2018

----- Respectfully submitted,

*/s/ William X. Zou*

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